

FIRST REGULAR SESSION

SENATE BILL NO. 106

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0325S.011

AN ACT

To repeal section 115.631, RSMo, and to enact in lieu thereof one new section relating to election offenses, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 115.631, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.631, to read as follows:

115.631. The following offenses, and any others specifically so described
2 by law, shall be class one election offenses and are deemed felonies connected
3 with the exercise of the right of suffrage. Conviction for any of these offenses
4 shall be punished by imprisonment of not more than five years or by fine of not
5 less than two thousand five hundred dollars but not more than ten thousand
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, RSMo, including but not limited to statements
10 specifically required to be made "under penalty of perjury"; or in any other
11 manner knowingly furnishing false information to an election authority or
12 election official engaged in any lawful duty or action in such a way as to hinder
13 or mislead the authority or official in the performance of official duties. If an
14 individual willfully and falsely makes any certificate, affidavit, or statement
15 required to be made under section 115.155, including but not limited to
16 statements specifically required to be made "under penalty of perjury", such
17 individual shall be guilty of a class C felony;

18 (2) Voting more than once or voting at any election knowing that the
19 person is not entitled to vote or that the person has already voted on the same

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 day at another location inside or outside the state of Missouri;

21 (3) Procuring any person to vote knowing the person is not lawfully
22 entitled to vote or knowingly procuring an illegal vote to be cast at any election;

23 (4) Applying for a ballot in the name of any other person, whether the
24 name be that of a person living or dead or of a fictitious person, or applying for
25 a ballot in his own or any other name after having once voted at the election
26 inside or outside the state of Missouri;

27 (5) Aiding, abetting or advising another person to vote knowing the person
28 is not legally entitled to vote or knowingly aiding, abetting or advising another
29 person to cast an illegal vote;

30 (6) An election judge knowingly causing or permitting any ballot to be in
31 the ballot box at the opening of the polls and before the voting commences;

32 (7) Knowingly furnishing any voter with a false or fraudulent or bogus
33 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a
34 vote which will be rejected, or otherwise defrauding him of his vote;

35 (8) An election judge knowingly placing or attempting to place or
36 permitting any ballot, or paper having the semblance of a ballot, to be placed in
37 a ballot box at any election unless the ballot is offered by a qualified voter as
38 provided by law;

39 (9) Knowingly placing or attempting to place or causing to be placed any
40 false or fraudulent or bogus ballot in a ballot box at any election;

41 (10) Knowingly removing any legal ballot from a ballot box for the purpose
42 of changing the true and lawful count of any election or in any other manner
43 knowingly changing the true and lawful count of any election;

44 (11) Knowingly altering, defacing, damaging, destroying or concealing any
45 ballot after it has been voted for the purpose of changing the lawful count of any
46 election;

47 (12) Knowingly altering, defacing, damaging, destroying or concealing any
48 poll list, report, affidavit, return or certificate for the purpose of changing the
49 lawful count of any election;

50 (13) On the part of any person authorized to receive, tally or count a poll
51 list, tally sheet or election return, receiving, tallying or counting a poll list, tally
52 sheet or election return the person knows is fraudulent, forged or counterfeit, or
53 knowingly making an incorrect account of any election;

54 (14) On the part of any person whose duty it is to grant certificates of
55 election, or in any manner declare the result of an election, granting a certificate

56 to a person the person knows is not entitled to receive the certificate, or declaring
57 any election result the person knows is based upon fraudulent, fictitious or illegal
58 votes or returns;

59 (15) Willfully destroying or damaging any official ballots, whether marked
60 or unmarked, after the ballots have been prepared for use at an election and
61 during the time they are required by law to be preserved in the custody of the
62 election judges or the election authority;

63 (16) Willfully tampering with, disarranging, altering the information on,
64 defacing, impairing or destroying any voting machine or marking device after the
65 machine or marking device has been prepared for use at an election and during
66 the time it is required by law to remain locked and sealed with intent to impair
67 the functioning of the machine or marking device at an election, mislead any
68 voter at the election, or to destroy or change the count or record of votes on such
69 machine;

70 (17) Registering to vote knowing the person is not legally entitled to
71 register or registering in the name of another person, whether the name be that
72 of a person living or dead or of a fictitious person;

73 (18) Procuring any other person to register knowing the person is not
74 legally entitled to register, or aiding, abetting or advising another person to
75 register knowing the person is not legally entitled to register;

76 (19) Knowingly preparing, altering or substituting any computer program
77 or other counting equipment to give an untrue or unlawful result of an election;

78 (20) On the part of any person assisting a blind or disabled person to vote,
79 knowingly failing to cast such person's vote as such person directs;

80 (21) On the part of any registration or election official, permitting any
81 person to register to vote or to vote when such official knows the person is not
82 legally entitled to register or not legally entitled to vote;

83 (22) On the part of a notary public acting in his official capacity,
84 knowingly violating any of the provisions of sections 115.001 to 115.627 or any
85 provision of law pertaining to elections;

86 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
87 of any provision of law pertaining to absentee voting;

88 (24) Assisting a person to vote knowing such person is not legally entitled
89 to such assistance, or while assisting a person to vote who is legally entitled to
90 such assistance, in any manner coercing, requesting or suggesting that the voter
91 vote for or against, or refrain from voting on any question, ticket or candidate;

92 (25) Engaging in any act of violence, destruction of property having a
93 value of five hundred dollars or more, or threatening an act of violence with the
94 intent of denying a person's lawful right to vote or to participate in the election
95 process; [and]

96 (26) Knowingly providing false information about election procedures for
97 the purpose of preventing any person from going to the polls; **and**

98 **(27) Knowingly disseminating information that encourages voters**
99 **to vote at a time, place, or manner other than the time, place, and**
100 **manner established under the law for voting.**

Unofficial ✓

Bill

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